(b) (6), (b) (7)(C)

FORM NLRB-501

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE Case Date Filed August 20, 2013 9-CA-111670

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for

the region in which the alleged unfair labor practice occurred or is occurring.				
1. EMPLOYER AGAINST	WHOM CHARGE IS BROUGHT			
a. Name of Employer KES ACQUISITION COMPANY	b. Number of workers employed 117			
c. Address (street, city, state, ZIP code) 2704 South Big Run Rd. Ashland Ky. 41105- 2119	e. Telephone and Fex Nos. 606-929-1272 fax-606-929-1261			
f. Type of Establishment (factory, mine, wholesaler, etc.) Steel Mill g. Identify principal product or service Flat Bar Products				
h. The above-named employer has engaged in and is engaging in unfair of the National Labor Relations Act, and these unfair labor practices are	r labor practices within the meaning of s unfair practices affecting commerce with	ection 8(a), subsections (1) and (5) hin the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices). Since on or about8/1/2013, the Employer has engaged in bad faith bargaining when it unilaterally altered health care benefit design changes without the consent of the Union.				
By the above and other acts, the above-named employer has interfered guaranteed in Section 7 of the Act.	with, restrained, and coerced employees	s in the exercise of the rights		
3. Full name of party filing charge (if labor organiza	tion, give full name, includin	g local name and number)		
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local 7054				
4a. Address (street and number, city, state and ZIP code) 4b. Telephone and Fax Nos. 606-928-5359 fax 606- 928-2430				
5. Full name of national or international labor organization of which it is	an affiliate or constituent unit (to be fille	d in when charge is filed		
by a labor organization) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC				
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)				
Address (b) (6), (b) (7)(C) Telephone No. (b) (6), (b) (7)(C) Date 16,Dec.13				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

--- -----

(b) (6), (b) (7)(C) _{Wd68}: Ia E102/02/80



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

August 21, 2013

JOHN H. SCHEEL KES ACQUISITION COMPANY 2704 SOUTH BIG RUN ROAD ASHLAND, KY 41105-2119

Re: KES ACQUISITION COMPANY

Case 09-CA-111670

Dear Mr. Scheel:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Attorney JONATHAN DUFFEY whose telephone number is (513)684-3633. If this Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

GARY W. MUFFLEY Regional Director

Jary W. Muffley

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

August 21, 2013

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO-CLC, LOCAL 7054
12452 PAUL COFFEE BOULEVARD
ASHLAND, KY 41102

Re: KES ACQUISITION COMPANY Case 09-CA-111670

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 20, 2013 has been docketed as case number 09-CA-111670. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Attorney JONATHAN DUFFEY whose telephone number is (513)684-3633. If the Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Your Evidence: As the party who filed the charge in this case, it is your responsibility to promptly provide evidence in this matter. Enclosed is a questionnaire concerning your charge. Please answer each of the questions as completely as possible. If adequate space is not provided, you may attach additional pages. Please remember to enclose documents requested in the questionnaire. If you have any questions about the questionnaire or how to fill it out, please immediately contact the Board agent assigned to investigate your case.

Because your prompt cooperation in this investigation is required, you must return the completed questionnaire and your supporting documents no later than <u>August 28, 2013</u>. Absent very good reasons for not returning the questionnaire and documents by that date, your charge is subject to dismissal for lack of cooperation.

After receiving your questionnaire, the Board agent may contact you about providing a sworn affidavit or additional documents or witnesses.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

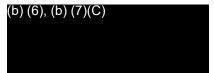
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

GARY W. MUFFLEY Regional Director

cc:





REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686

Fax: (513)684-3946

October 22, 2013

DONALD KEFFER 3325 BABSON COURT FRANKLIN, OH 45005

Re: KES ACQUISITION COMPANY

Case 09-CA-111670

Dear Mr. Keffer:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley Regional Director

cc: JOHN H. SCHEEL KES ACQUISITION COMPANY 2704 SOUTH BIG RUN ROAD ASHLAND, KY 41105-2119

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO-CLC, LOCAL 7054 12452 PAUL COFFEE BOULEVARD ASHLAND, KY 41102

(b) (6), (b) (7)(C)

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File on original of this observe with MLDD Desired	Director in which the allocad vafair labor position a	courred or ic occurring				
File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT						
	EMILEO LEU MONINO I MANOR IO BROO	b. Tel. No.				
a. Name of Employer						
KES ACQUISITION COMPANY		(606)929-1200				
		c. Cell No.				
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.				
P.O. Box 2119	John Scheel					
Ashland, KY 41105-2119	Chief Executive Officer	g. e-Mail				
/ Asilianu, KT 41100-2118	Office Executive Officer					
		h. Dispute Location (City and State)				
		ASHLAND, KY				
i. Type of Establishment (factory, nursing home,	j. Principal Product or Service	k. Number of workers at dispute location				
hotel)	,					
Steel Mill	Flat and Round Bar Steel	135				
Otto i viiii	I lat alla Roulla Dal Otto	100				
The shave named ampleyer has anguard in any	I I is engaging in unfair labor practices within the mea	uning of section 8(a) subsections (1) of the				
	or practices are practices affecting commerce within the mea					
	within the meaning of the Act and the Postal Reorga					
2 Racie of the Charge (set forth a clear and consi	se statement of the facts constituting the alleged un	fair lahor practices)				
2. basis of the Charge (set forth a clear and concil	se statement of the facts constituting the alleged uni	all labor practices)				
Within the last 6 months the above-na	med Employer has failed and refused to h	pire (b) (6) (b) (7)(C) because $^{(0)}$ filed				
		med				
an unfair labor practice Charge Against the Employer in the past.						
3. Full name of party filing charge (if labor organization, give full name, including local name and number)						
	ation, give ruil frame, including local frame and frami	, ,				
4a Address (street and number esty state, and 7	ID code)	(b) (6), (b) (7)(C)				
4a, Address (street and number, city, state, and Z	ir code)	I AB TAL NO				
	(b) (6), (b) (7)(C)					
		4b. Tel. No. (b) (6), (b) (7)(C)				
		(b) (6), (b) (7)(C) 4c. Cell No.				
		(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C)				
		(b) (6), (b) (7)(C) 4c. Cell No.				
		(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C)				
		(b) (6), (b) (7)(C) 4c. Cell No. ((b) (6), (b) (7)(C) 4d. Fax No.				
		(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C)				
	,	(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail				
	nization of which it is an affiliate or constituent unit ((b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail				
Full name of national or international labor organization)	nization of which it is an affiliate or constituent unit ((b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail				
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organization) 6. DECLARATION		(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor Tel. No.				
organization) 6. DECLARATION I declare that I have read the above charge a	nization of which it is an affiliate or constituent unit ((b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor				
organization) 6. DECLARATION I declare that I have read the above charge a	nd that the statements are true to the best of	(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor Tel. No. (b) (6), (b) (7)(C)				
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organization) 6. DECLARATION I declare that I have read the above charge a	nd that the statements are true to the best of (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor Tel. No. (b) (6), (b) (7)(C)				
6. DECLARATION I declare that I have read the above charge a my knowledge and belief B.(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) An Individual	(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No. (b) (6), (b) (7)(C)				
organization) 6. DECLARATION I declare that I have read the above charge a	(b) (6), (b) (7)(C) An Individual	(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No.				
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organization) 6. DECLARATION I declare that I have read the above charge a my knowledge and belief B(b) (6), (b) (7)(C) (signature of representative or person making of	(b) (6), (b) (7)(C) An Individual harge) Print Name and Title	(b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail to be filled in when charge is filed by a labor Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No. (b) (6), (b) (7)(C)				
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U S C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



Download NLRB Mobile App

May 22, 2014

JOHN H. SCHEEL, CHIEF EXECUTIVE OFFICER KES ACQUISITION COMPANY P.O. BOX 2119 ASHLAND, KY 41105-2119

> Re: KES ACQUISITION COMPANY Case 09-CA-129146

Dear Mr. Scheel:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If this Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

GARY W. MUFFLEY Regional Director

Jary W. Muffley

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

May 22, 2014



Re: KES ACQUISITION COMPANY

Case 09-CA-129146

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on May 21, 2014 has been docketed as case number 09-CA-129146. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If the Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

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<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures</u>: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing)

through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

GARY W. MUFFLEY Regional Director

Jary W. Muffley

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

KENTUCK-1 ELC 10. 5 SEE _ and (b) (6), (b) (7)(C)	CASE 9-CA-129/40		
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 28570		
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIONS OF THE ABOVE-CAPTIONED MATTER.			
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.			
(REPRESENTATIVE INFORM	MATTON)		
NAME: DONALD A KETTER MAILING ADDRESS: 3325 BABSON CT FRANKLING. OH 45005 E-MAIL ADDRESS: KEFFEDOR ADL-COM OFFICE TELEPHONE NUMBER: 513 423-0636 CELL PHONE NUMBER: 937-681-2485 FAX:			
SIGNATURE: (Please sign in ink.) DATE:			

 $^{^{1}}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
09-CA-129146	June 18, 2014	

File an original of this charge with NLRB Regional Director in which the alleged unitair labor practice occurred or is occurring.				
	EMPLOYER AGAINST WHOM CHARGE IS BROU	b. Tel. No.		
a Name of Employer		(606)929-1200		
Kes Acquisition Company				
I All a faturat eith atata ZID andah	La Faralance Bernardetine	c. Cell No.		
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.		
P.O. Box 2119	John H. Scheel	g. e-Mail		
Ashland, KY 41105-2119	Chief Executive Officer	g. e-iviali		
		h. Dispute Location (City and State)		
		Ashland, KY		
i. Type of Establishment (factory, nursing home,	i Principal Product or Service	k. Number of workers at dispute location		
hotel)	Thropart rodder or cervice	135		
steel mill	flat and round bar steel	133		
steel mili	hat and round bar steer			
the National Labor Relations Act, and these unfair labor practices are unfair practices affecting comm	It is engaging in unfair labor practices within the meal labor practices are practices affecting commerce where within the meaning of the Act and the Postal Research of the facts constituting the alleged units and the property of the facts constituting the alleged units and the property of the facts constituting the alleged units and the property of the facts constituting the alleged units and the property of the facts constituting the alleged units and the property of the	vithin the meaning of the Act, or these unfair Reorganization Act.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)				
4a. Address (street and number, city, state, and Z	IP code)	4b. Tel. No.		
		(b) (6), (b) (7)(C)		
(b) (6), (b) (7)(C)		4c. Cell No.		
		(b) (6), (b) (7)(C)		
		4d. Fax No.		
		4e. e-Mail		
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor				
organization)				
6. DECLARATION		Tel. No.		
	nd that the statements are true to the best of	(b) (6), (b) (7)(C)		
$_{\text{By}}^{\text{(b)}}$ (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No. (b) (6), (b) (7)(C)		
(signature of representative of person making of Address: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No.		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

June 19, 2014

John H. Scheel, Chief Executive Officer Kes Acquisition Company P.O. Box 2119 Ashland, KY 41105-2119

Re: KES ACQUISITION COMPANY

Case 09-CA-129146

Dear Mr. Scheel:

Enclosed is a copy of the first amended charge that has been filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If the agent is not available, you may contact Supervisory Attorney ERIC V. OLIVER whose telephone number is (513)684-3669.

<u>Presentation of Your Evidence</u>: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

<u>Procedures:</u> Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

GARY W. MUFFLEY Regional Director

thry W. Muffley

Enclosure: Copy of first amended charge

cc: Donald A. Keffer, Consultant 3325 Babson Ct

Franklin, OH 45005-9678



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686

Fax: (513)684-3946

June 19, 2014



Re: KES ACQUISITION COMPANY Case 09-CA-129146

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If the agent is not available, you may contact Supervisory Attorney ERIC V. OLIVER whose telephone number is (513)684-3669.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

<u>Procedures:</u> Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

GARY W. MUFFLEY Regional Director



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686

Fax: (513)684-3946

July 31, 2014



Re: KES ACQUISITION COMPANY

Case 09-CA-129146

Deat(b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Kes Acquisition Company has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on August 14, 2014. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 13, 2014. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an

extension of time is **received on or before August 14, 2014.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 14, 2014, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley Regional Director

Enclosure

cc: JOHN H. SCHEEL CHIEF EXECUTIVE OFFICER KES ACQUISITION COMPANY P.O. BOX 2119 ASHLAND, KY 41105-2119

> DONALD A. KEFFER, CONSULTANT 3325 BABSON CT FRANKLIN, OH 45005-9678



OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

October 23, 2014



Re: KES Acquisition Company Case 09-CA-129146

Dear (b) (6), (b) (7)(C)

This office has carefully considered the appeal from the Regional Director's refusal to issue complaint. We agree with the Regional Director's decision and deny the appeal. Your charge alleges that KES Acquisitions Company (Employer) violated Section 8(a)(4) of the National Labor Relations Act, by failing to hire you because you had filed previous unfair labor practice charges against that Employer. The evidence in its entirety, however, did not support such a finding.

The Regional Office investigation disclosed that in 2005 the Employer was hiring exclusively for labor pool positions. The Employer did not hire you at that time because you preferred a welder position and it appeared to the Employer that you were otherwise not interested in a laborer position. Although, you submitted another application in 2014, the Employer is still only hiring for the labor pool. Since the Employer previously screened you out of the hiring process because of your perceived preference to be hired as a welder, the Employer did not offer you an interview, or a position. We note that there is insufficient evidence that the Employer re-hired any former employees after the Employer screened them out of the initial application process. Although you provided evidence of arguable animus to support your allegation that the Employer would "intentionally" not hire you in the future because you had filed prior unfair labor practice charges, we note that this alleged animus is remote in time. Furthermore, the evidence indicated that Employer did not offer you a position for almost two years before you filed your first unfair labor practice charge. Therefore, we could not conclude

that there is a credible connection between the alleged animus and the Employer's failure to hire you.

Sincerely,

Richard F. Griffin, Jr. General Counsel

Deborah M.P. Yaffe, Director

Office of Appeals

GARY W. MUFFLEY cc: REGIONAL DIRECTOR NATIONAL LABOR RELATIONS **BOARD** 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

> DONALD A. KEFFER, CONSULTANT 3325 BABSON CT FRANKLIN, OH 45005-9678

mjb

JOHN H. SCHEEL CHIEF EXECUTIVE OFFICER KES ACQUISITION COMPANY PO BOX 2119 ASHLAND, KY 41105-2119

FORM NLRB-501

UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

FORM EXEM	PT UNDER 44 U.S.C. 3512	
DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
09-CA-132270	July 7, 2014	

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for

the region in which the alleged unfair labor practice occurred or is	occurring,			
EMPLOYER AGAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer Kentucky Electric Steel		b. Number of workers employed 118		
c. Address (street, city, state, ZIP code) 2704 South Big Run Rd. Ashland Ky. 41105-2119	e. Telephone and Fax Nos. 606-929-1272 fax-606-929-1261			
f. Type of Establishment (fectory, mine, wholesaler, etc.) steel mili	g. Identify principal product or service flat bar and round rods			
h. The above-named employer has engaged in and is engaging in unfal of the National Labor Relations Act, and these unfair labor practices are	r labor practices within the meaning of s unfair practices affecting commerce wit	section 8(a), subsections (1) and (5) hin the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about June 30, 2014 the Employer has refused to provide pertinent and relevant information pursuant to a written request for information dated May 26, 2014. Additionally, the Employer has unilaterally implemented a change in the stop loss insurance amount absent the consent of the Union which has a direct impact on the benefit bargained during the 2012 contract negotiations pertaining to the Memorandum of Agreement (Appendix I) of the parties current Collective Bargaining Agreement.				
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Steel, Paper and Forestry, Rubber, Manufecturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC				
4a. Address (street and number, city, state and ZIP code) Suite B, 85 C. Michael Davenport Blvd, Frankfort, KY 40601 4b. Telephone and Fax Nos. (502) 875-3332 (502) 875-2917 Fax				
5. Full name of national or International labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization). United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC				
8. DECLARATION				
I declare that I have read the above charge and that the statements are true to the best of my knowledge and bellef. (b) (6), (b) (7)(C) Title: [DIGLID] PROPERTY OF THE PRO				

Suite B, 85 C. Michael Davenport Blvd.

Frankfort, KY 40601

Telephone No. (502) 875-3332 Date 7/7/14

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513) 684-3686

Fax: (513) 684-3946

Download **NLRB** Mobile App

July 8, 2014

Kentucky Electric Steel Acquisition Company 2704 S Big Run Rd W Ashland, KY 41102-9658

> Re: Kentucky Electric Steel Case 09-CA-132270

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NAIMA R. CLARKE whose telephone number is (513) 684-3647. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Sary W. Muffley

Gary W. Muffley Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946



Mobile App

July 8, 2014

UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED & SERVICE WORKERS INT. UNION 85 C. MICHAEL DAVENPORT BLVD. STE B FRANKFORT, KY 40601-4479

Re: Kentucky Electric Steel Case 09-CA-132270

Dear Sir or Madam:

REGION 9 550 MAIN ST

RM 3003

CINCINNATI, OH 45202-3271

The charge that you filed in this case on July 07, 2014 has been docketed as case number 09-CA-132270. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney NAIMA R. CLARKE whose telephone number is (513) 684-3647. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Your Evidence: As the party who filed the charge in this case, it is your responsibility to promptly provide evidence in this matter. Enclosed is a questionnaire concerning your charge. Please answer each of the questions as completely as possible. If adequate space is not provided, you may attach additional pages. Please remember to enclose documents requested in the questionnaire. If you have any questions about the questionnaire or how to fill it out, please immediately contact the Board agent assigned to investigate your case.

Because your prompt cooperation in this investigation is required, you must return the completed questionnaire and your supporting documents no later than July 15, 2014. Absent

very good reasons for not returning the questionnaire and documents by that date, your charge is subject to dismissal for lack of cooperation.

After receiving your questionnaire, the Board agent may contact you about providing a sworn affidavit or additional documents or witnesses.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Jary W. Muffley

Gary W. Muffley Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Kentucky Electric Steel	
and	CASE 09 - CA - 132270
United Steel Workers	
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATI	IVE OF
Charged Party, Kentucky Electric Steel	
IN THE ABOVE-CAPTIONED MATTER.	
IN THE ABOTE CALIFORNIE MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:	
REPRESENTATIVE IS AN ATTORNEY	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VIDOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	MATION)
NAME: Scott A. Faust	
MAILING ADDRESS: Proskauer Rose LLP	
One International Place, Boston, MA 021	10
E-MAIL ADDRESS: Sfaust@proskauer.com	
OFFICE TELEPHONE NUMBER: 617-526-9650	
CELL PHONE NUMBER: 617-899-3510	FAX: 617-526-9899
S #22 +	
DATE: (Please sign in ink.) un 18, 2014	
00	

 $^{^{1}}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

August 29, 2014

SCOTT A. FAUST, ATTORNEY AT LAW PROSKAUER ROSE LLP ONE INTERNATIONAL PLAZA BOSTON, MA 02110-2607

> Re: KENTUCKY ELECTRIC STEEL

Case 09-CA-132270

Dear Mr. Faust:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley Regional Director

- UNITED STEEL, PAPER AND cc: FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO-CLC 85 C MICHAEL DAVENPORT BLVD, SUITE B - FRANKFORT, KY 40601-4479

JOHN SHEEL - KENTUCKY ELECTRIC STEEL ACQUISITION COMPANY 2704 S BIG RUN RD W - ASHLAND, KY 41102-9658

FORM EXEMPT UNDER 44 U.S.C 9512

INTERNET FORM NURB-501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE	IN THIS SPACE
Case	Date Filed
09-CA-156730	July 23, 2015

CHARGE AGAINST EMPLOY	ER	Case	_	Date Filed
AND THE PROPERTY OF THE PARTY O		09-CA-15673)	July 23, 2015
INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.				
1. EMPLOYER A	GAINST WHOM CHA	RGE IS BROUGHT		
Name of Employer Kentucky Eletric Steel -KES Acquisition company		b. Tel. No. (606) 929- 1200		
			c. C	ell No.
d. Address (Street, city, state, and ZIP code)	e. Employer Represer	ntative	f. Fa	x No.
KES ACQUISITION	Rick Bitz		g. e-	Mail
2704 S, BIG RUN ROAD	THER DIE			
P.O. BOX 2119	1		h - N	mbor of workers amply and
ASHLAND, KY 41105-2119	ļ			lumber of workers employed roximately 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Steel Mill	j. Identify principal pro Rolled flats , and rout			***
k. The above-named employer has engaged in and is engaging	in unfair labor practices	within the meaning of sec	tion B(a)	, subsections (1) and (list
subsections)		-		ons Act, and these unfair labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization	•			
2. Basis of the Charge (set forth a clear and concise statement		he alteged unfair labor pro	ctices)	
Refuses to follow contract agreement. Abusive to employees and supervision- Refuses to honor agreements made with union- Employees are quitting- One union employee was fired- Several company people fired and have quit-				
 Full name of party filing charge (if labor organization, give full United Steel Workers Of America, Local 7054, Unit 0 	I name, including local n	ame and number)		
Officed Sides Workers Of America, Escal 1034. Office				
4e. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)				No. (b) (6), (b) (7)(C)
			4c. Cell	No. (b) (6), (b) (7)(C)
			4d. Fa	x No.
				6), (b) (7)(C)
 Full name of national or international labor organization of will organization) UNITED STEEL, PAPER AND FORESTRY WORKERS INTERNATIONAL UNION 	hich it is an affiliate or co , RUBBER, MANUFAI	nstituent unit (to be filled i CTURING, ENERGY, /	n when	charge is filed by a labor INDUSTRIAL AND SERVICE
DECLARATION I declare that I have read the above charge and that the statements		ynowledge and belief.	Tel. No	(b) (6), (b) (7)(C)
	6), (b) (7)(C)			if any. Cell No. (b) (7)(C)
leigheithe or retherenianse or hand a making charge)	(PrinVtype name and title or	ounce, ir eny)	Fax No	
(b) (6) (b) (7)(C)		7/23/2015	e-Maji	6) (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(6), (b) (7)(C)

(date)



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513) 684-3686 Fax: (513) 684-3946 Download NLRB Mobile App

July 27, 2015

Rick Bitz Kentucky Electric Steel - KES Acquisition Company 2704 S. Big Run Road P.O. Box 2119 Ashland, KY 41105-2119

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear Mr. Bitz:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If this Board agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Garey Edward Lindsay Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire



Agency Website: www.nlrb.gov Telephone: (513) 684-3686 Fax: (513) 684-3946



Download NLRB Mobile App

July 27, 2015

(b) (6), (b) (7)(C)

REGION 9 550 MAIN ST

RM 3003

United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 7054, Unit 0

CINCINNATI, OH 45202-3271

(b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on July 23, 2015 has been docketed as case number 09-CA-156730. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If this Board agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Garey Edward Lindsay Regional Director



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686

Fax: (513)684-3946

September 17, 2015

DAVID J. PRYBYLSKI, ATTORNEY AT LAW BARNES & THORNBURG LLP 11 S MERIDIAN ST INDIANAPOLIS, IN 46204-3506

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION,

(b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear Mr. Prybylski and (b) (6), (b) (7)(C)

The Region has carefully considered the charge alleging that KES ACQUISITION COMPANY D/B/A KENTUCKY ELECTRIC STEEL violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS

- 2 -

INTERNATIONAL UNION, LOCAL 7054, UNIT 1 have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

- 2. The discharge of (b) (6), (b) (7)(C) because of union activities and unilaterally forcing and threatening employees with discipline to work job assignments contrary to the terms of the collective-bargaining agreement as alleged in the charge is encompassed by the terms of the collective-bargaining agreement and/or the parties have agreed to authorize the arbitrator to decide the statutory issue.
- 3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award: If the grievance is arbitrated, the Charging Party may ask the Board to review the arbitrator's award. The request must be in writing and addressed to me. Because the parties have explicitly authorized the arbitrator to decide

ACQUISITION COMPANY Case 09-CA-156730

the statutory issue in this case, the Board's deferral standards applicable in this case are those set forth in *Babcock & Wilcox Construction Co.*, 361 NLRB No. 132 (2014), which is available on our website, www.nlrb.gov. Any request for review of an arbitrator's award should analyze (1) whether the parties explicitly authorized the arbitrator to decide the statutory issue; (2) whether the arbitrator was presented with and considered the statutory issue, or was prevented from doing so by the party opposing deferral; and (3) whether Board law reasonably permits the award. The party urging deferral has the burden to prove these standards are met.

Review of Grievance Settlement: If the grievance is settled, the Charging Party may ask the Board to review the grievance settlement. The Board's deferral standards applicable to any grievance settlement in this case are also set forth in Babcock & Wilcox Construction Co., 361 NLRB No. 132 (2014). Any request for review of a grievance settlement should analyze (1) whether the parties intended to settle the unfair labor practice issue; (2) whether the parties addressed the statutory issue in the settlement; and (3) whether Board law reasonably permits the grievance settlement agreement. The party urging deferral has the burden to prove these standards are met. In assessing whether to defer to the settlement, I will also consider the factors identified by the Board in Independent Stave Co., 287 NLRB 740, 743 (1987).

Charging Party's Right to Appeal: The Charging Party may appeal my decision to defer this charge by filing an appeal with the General Counsel of the National Labor Relations Board, through the Office of Appeals. An appeal may be filed by submitting the enclosed Appeal Form (form NLRB-4767), which is also available at www.nlrb.gov. However, we encourage the Charging Party to submit a complete statement setting forth the facts and reasons why the decision to defer the charge is incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date and Time: The appeal is due on October 1, 2015. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than September 30, 2015. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely**. If hand delivered, an appeal must be received by the General Counsel in

Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** October 1, 2015. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 1, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Garey E. Lindsay

Garey Edward Lindsay Regional Director

Enclosures

cc: RICK BITZ, PLANT MANAGER
KES ACQUISITION COMPANY D/B/A
KENTUCKY ELECTRIC STEEL
2704 S BIG RUN RD
P.O. BOX 2119
ASHLAND, KY 41105-2119

CODM EVENDT UNDER MALISC 3513

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

FORM EXE	VIPT UNDER 44 0.3.0. 3312
DO NOT WRIT	E IN THIS SPACE
Case	Date Filed
09-CA-156730	August 5, 2015

INSTRUCTIONS

FIRST

AMENDED

File an original and 4 copies of this charge with NLRB Regional Director for

Fax No.—X fAML. 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization. ANITED STEEL, PAPER AND FORSTLY, RABBEL, MANUFACTURING,	the region in which the alleged unfair labor practice occurred or is			
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	(b) (0), (b) (7)(C)	l elephone No		
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)	WILLETT EALSE STATEMENTS ON THIS CHARGE CAN BE BURIOUS	ED DY EINE AND IMPRISONMENT (1. C. C.	ODE TITLE 19 SECTION 1001)	

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



Website: www.nlrb.gov Dowr

Agency Website: www.nlrb.gov Telephone: (513) 684-3686 Fax: (513) 684-3946 Download NLRB Mobile App

Rick Bitz, Plant Manager Kentucky Electric Steel - KES Acquisition Company 2704 S. Big Run Road P.O. Box 2119 Ashland, KY 41105-2119

CINCINNATI, OH 45202-3271

REGION 9 550 MAIN ST

RM 3003

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear Mr. Bitz:

Enclosed is a copy of the first amended charge that has been filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

<u>Presentation of Your Evidence</u>: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

<u>Procedures:</u> Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay Regional Director

Enclosure: Copy of first amended charge



Agency Website: www.nlrb.gov Telephone: (513) 684-3686 Fax: (513) 684-3946



NLRB Mobile App

August 6, 2015

(b) (6), (b) (7)(C)

REGION 9 550 MAIN ST

RM 3003

United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union,

CINCINNATI, OH 45202-3271

Local 7054, Unit 1 (b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

<u>Procedures:</u> Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay Regional Director FORM NLRB-4701 (3-83)

NATIONAL LABOR RELATIONS BOARD NOTICE OF APPEARANCE

United Steel Workers of America, Local 7054, Unit 0,
Charging Party,
and CASE NO. 09-CA-156730
Kentucky Electric Steel (KES Acquisition),
Employer.
☑ REGIONAL DIRECTOR ☐ EXECUTIVE SECRETARY ☐ GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD NATIONAL LABOR RELATIONS BOAR WASHINGTON, D.C. 20570 WASHINGTON, D.C. 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF Kentucky Electric Stee (KES Acquisition) IN THE ABOVE-CAPTIONED MATTER.
CHECK THE APPROPRIATE BOX(ES) BELOW:
REPRESENTATIVE IS AN ATTORNEY
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS DESCRIBED IN SEC. 11842.3 OF THE CASE-HANDLING MANUAL.
(REPRESENTATIVE INFORMATION)
NAME: MAILING ADDRESS: BARNES & THORNBURG LLP 11 South Meridian Street Indianapolis, Indiana 46204 E-MAIL ADDRESS: OFFICE TELEPHONE NUMBER: CELL PHONE NUMBER: (317) 231-6464 FAX: (317) 231-7433
CELL PHONE NUMBER:

^{1/} F CASE IS PEND NG IN WASH NGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION N WHICH THE CASE WAS F LED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Date Filed

October 1, 2015

DO NOT WRITE IN THIS SPACE

Erie Kelly

Form NURS - 50: 2-08)

JNITED STATE 3 OF AMERIC

NATIONAL LABOR HELATIONS BARD SECTIND AMENDED CHAFIGE AGAINST EMPLOYER INSTRUCTION

09-CA-156730

File an original: this charge with NLRB Regional Director which the alleged unfair labor practice occurred to its occurring.

1. EMPLO ER AGAINST WHOM CHARGE IS BROUGHT a. Name of Erry over (60 5)929-1200 KES ACC. ISITION COMPANY UVB/A KEN JCKY ELECTRIC STEEL C. Cel No. d. Address (str. t, city, stat : ZIP code) e. Err loyer Representative f. Far Vo. 2704 S. B. 3 RUN ROAD CK BITZ g. e-V all P.O. Box 2 119 ent Manager h. Dis justes Location (City and State) Ashland, J Y 41105-2119 ASHLAND, KY i. Type of Estat shment (fa story, nursing home. j. Principal Product or Service k. Number of workers at dispute location notel) STEEL MILL

I. The above-no ned empto or has engaged in and is engling in unfair labor practices within the meaning of a action 8(a), subsections (1) and (3), (5) or the National labor practices affecting commerce within if a meaning of the Act, or these unfair labor practices affecting commerce within if a meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganic storm Act.

2. Basis of the lact and the clear and counts state then of the facts constituting the alleged unfair labor practices. STEEL MILL SINCE ON DRIABOUT MARCH 2015, THE ABOUTE-NAMED EMPLOYER HAS VIOLATED THIS CONTRACT BY FORCING EMPLOYE S TO WORK JOB ASSISHMENTS I ESPITE AN EMPLOYEES RIGHT TO REFUSE LINDER ARTICLE XX, AND THE EMPLOYE IS VIOLITING ARTICLES XIII BY ASSIGNING EMPLOYEES TO COMPLETE WORK THAT THEY ARE NOT QUALIFIEL FOR. 2015, THE ABOVE- NAME DEMPLOYER, BY (b) (6), (b) (7)(C) TERMINATED (b) (6), (b) (7)(C) NOTECTED UNION A CTIVITIES AND COMPLAINTS. ALSO, ON ON OR AIR DUT JULY 17, 2015, DIGNOTON THE EATENED TO FIRE EMPLOYEES FOR INVOKING THEIR CONTRACTUAL RIGHTS UILDER ARTICLE XX. FURTHER SINCE O LOR ABOUT (D) (D) (D) (7)(C) HAS CREATED A VERY ABUSINE AND HOSTILE WORK 201 ENVIRONI IENT. 3. Full name (coarty filling sharge (if labor a genization, give full name, including local name and number)
UNITED : TEEL, PAPER & FOF ESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL 7054, UNIT 1 4a. Address (a get and number, city, state, and ZIP code (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (6),(b) 5. Full name : national or international lat ir organization of which it is an affiliate or constituent unit (to be organization) 6. DECLARA ON el do (b) (6), (b) (7)(C) I declare it it I have resid the above charge and the the statements are true to the best of my knowle ge and be let. (b) (6), (b) (7)(C) Office, if any, Cell No. Print Name and Title (b) (6), (b) (7)(C) Date:

WILLFUL FA SE STATI MENTS ON THIS CHARGE AN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

FRUVAL FALL SEC Solicitation of a information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 or saq. The principal use of the information is to assist the National Labor Relations Board (NI (B)) in process of unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the ederal Regi ter, 71 Fed. Reg. (4942-43 (Dec. 3, 2006), The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is volur and however, failure to supply the information will cause the NLRB to decline to invoke its processes.



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513) 684-3686 Fax: (513) 684-3946

Download NLRB Mobile App

October 2, 2015

Rick Bitz, Plant Manager KES Acquisition Company d/b/a Kentucky Electric Steel 2704 S Big Run Rd P.O. Box 2119 Ashland, KY 41105-2119

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear Mr. Bitz:

Enclosed is a copy of the second amended charge that has been filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

<u>Presentation of Your Evidence</u>: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

<u>Procedures:</u> Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay Regional Director

Enclosure: Copy of second amended charge

cc: David J. Prybylski, Attorney at Law, Barnes & Thornburg LLP

11 S Meridian St, Indianapolis, IN 46204-3506



Agency Website: www.nlrb.gov Telephone: (513) 684-3686 Fax: (513) 684-3946



Download NLRB Mobile App

October 2, 2015

(b) (6), (b) (7)(C)

REGION 9 550 MAIN ST

RM 3003

United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union,

CINCINNATI, OH 45202-3271

Local 7054, Unit 1 (b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear (b) (6), (b) (7)(C):

We have docketed the second amended charge that you filed in this case.

<u>Investigator</u>: This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

<u>Procedures:</u> Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay Regional Director



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

March 8, 2016

DAVID J. PRYZBYLSKI, ATTORNEY AT LAW BARNES & THORNBURG LLP 11 S MERIDIAN ST INDIANAPOLIS, IN 46204-3535

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear Mr. Pryzbylski:

This is to advise that I have approved the withdrawal of the Section 8(a)(3) portion of the charge. All other portions of the charge remain in deferral status.

Very truly yours,

Garey Edward Lindsay Regional Director

cc: RICK BITZ, PLANT MANAGER
KES ACQUISITION COMPANY D/B/A KENTUCKY
ELECTRIC STEEL
2704 S BIG RUN RD
P.O. BOX 2119
ASHLAND, KY 41105-2119

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION,

(b) (6), (b) (7)(C)



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

April 7, 2017

David J. Pryzbylski, Attorney Barnes & Thornburg, LLP 11 S. Meridian St. Indianapolis, IN 46204-3535

Re: KENTUCKY ELECTRIC STEEL - KES

ACQUISITION COMPANY

Case 09-CA-156730

Dear Mr. Pryzbylski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Garey Edward Lindsay Regional Director

cc: Rick Bitz, Plant Manager
Kes Acquisition Company d/b/a Kentucky
Electric Steel
2704 S Big Run Rd
P.O. Box 2119
Ashland, KY 41105-2119

(b) (6), (b) (7)(C)

United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied Industrial And Service Workers International Union,

Local 7054, Unit 1 (b) (6), (b) (7)(C)

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
09-CA-165635	December 08, 2015		

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the	ne alleged unfair labor practice occurred or is occur GAINST WHOM CHARGE IS BROUGHT	rring.
a. Name of Employer	GAINST WHOM CHARGE IS BROOGHT	b. Tel. No.
Kentucky Electric Steel		(606) 929-1275
•		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	a Mail
P.O. Box 2119	Sheri Bradshaw	g. e-Mail
Ashland KY 41105	Mgr.Accounting Dept.	sbradshaw@kentuckyelectricsteel.com
		h. Number of workers employed 120
i. Type of Establishment (factory, mine, wholesaler, etc.) Iron & Steel	j. Identify principal product or service Steel flatbars	
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of se	ection 8(a), subsections (1) and (list
subsections) 3		abor Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning		
within the meaning of the Act and the Postal Reorganization	·	
2. Basis of the Charge (set forth a clear and concise statement	of the facts constituting the alleged unfair labor	practices)
Within the previous six months, the Emplo	ver discriminated against the Ch	narging Party and other
employees because they joined or support	•	• • •
	ned a labor organization and in	order to discourage union
activities or membership.		
See Attached Page 2 for additional Basis of Charge description	ı	
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
(b) (6), (b) (7)(C)		
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		4c. Cell No.
(b) (0), (b) (1)(C)		(b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail
		(b) (6), (b) (7)(C)
5. Full name of national or international labor organization of w organization)	hich it is an affiliate or constituent unit (to be fille	d in when charge is filed by a labor
6. DECLARATION I,declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.
Leclare that I have read the above charge and that the statements	s are true to the best of my knowledge and belief.	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) By	(b) (6), (b) (7)(C)	
(signature of representative or person making charge)		Office, if any, Cell No. (b) (6), (b) (7)(C)
	(Print/type name and title or office, if any)	Office, if any, Cell No.
(b) (6) (b) (7)(C)		Office, if any, Cell No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(Print/type name and title or office, if any) 12/6/2015 19:22:15 (date)	Office, if any, Cell No. (b) (6), (b) (7)(C) Fax No.

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686

Fax: (513)684-3946

Download **NLRB** Mobile App

December 9, 2015

Sheri Bradshaw, Mgr. Accounting Dept. Kentucky Electric Steel P.O. Box 2119 Ashland, KY 41105

> Kentucky Electric Steel Re: Case 09-CA-165635

Dear Miss Bradshaw:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513) 684-3750. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Garey Edward Lindsay Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Ouestionnaire



Agency Website: www.nlrb.gov Telephone: (513)684-3686



NLRB Mobile App

REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

December 9, 2015

Fax: (513)684-3946



Re: Kentucky Electric Steel Case 09-CA-165635

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on December 08, 2015 has been docketed as case number 09-CA-165635. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513) 684-3750. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Garey Edward Lindsay Regional Director

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UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

January 19, 2016

DAVID J. PRYZBYLSKI, ATTORNEY AT LAW BARNES & THORNBURG LLP 11 S MERIDIAN ST INDIANAPOLIS, IN 46204-3535

Re: Kentucky Electric Steel

Case 09-CA-165635

Dear Mr. Pryzbylski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Garey Edward Lindsay Regional Director

cc: SHERI BRADSHAW
MGR.ACCOUNTING DEPT.
KENTUCKY ELECTRIC STEEL
P.O. BOX 2119
ASHLAND, KY 41105

(b) (6), (b) (7)(C)